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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,087	07/14/2003	Rocky A. Turley	WEAT/0362	4687

7590 05/23/2005

WILLIAM B. PATTERSON  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
Suite 1500  
3040 Post Oak Blvd.  
Houston, TX 77056

EXAMINER
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NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,087	<b>Applicant(s)</b> TURLEY ET AL.	
	<b>Examiner</b> William P Neuder	<b>Art Unit</b> 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 8-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

*HL*

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Graham 3087548.

Graham discloses a bridge plug for isolating portions of a well. A retrievable upper mandrel assembly 14 is connected to a lower non-retrievable section at 5. The lower mandrel assembly 6,11,30 is made from a drillable material. See col. 5, lines 20-35. As to claims 2 and 3, lower assembly is coupled to upper assembly by emergency release means 5 in the form of a shear pin. As to claim 4, lower assembly has several different components formed from a drillable material. As to method claims 16-18 after shear pin 5 is sheared and upper assembly retrieved, a mill is lowered to drill out lower assembly.

Claims 1-4,7 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Slup et al.

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Slup discloses an upper mandrel assembly 80,84,90 connected at 78 to a lower mandrel assembly 4 forming a bridge plug. The lower mandrel assembly is formed from drillable material. As to claims 2 and 3, emergency release 78,96 is in the form of a shear pin 96. As to claim 4, lower mandrel 4 as well as the cones, slips and packers are all formed from drillable material. As to claim 7, lower assembly includes mandrel 4 and upper and lower slip and cone assemblies 16 having a packer assembly 42 there between. Nose shoe 14 is also provided. As to method claims 16-18, after pin 96 is sheared and upper assembly retrieved, a mill is lowered in the well to drill out the lower assembly.

Claims 1,2,4,7,16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Owen, Sr..

Owen discloses an upper mandrel 22 connected to a lower mandrel assembly 86 at 24. The device is a bridge plug and upper mandrel 22 above 24 is retrievable. Lower mandrel assembly below 24 is made from a drillable material. As to claim 2, means 24 is an emergency release. As to claim 7, lower assembly comprises a mandrel 86, upper 66 and lower 74 slips, upper 68 and lower 72 cones with packing 70 between them. Nosepiece 90,78 is also provided. As to method claims 16 and 17, after means 24 shears, upper mandrel assembly 22 is retrieved and a milling tool lowered into contact with the lower mandrel assembly to drill out the lower mandrel assembly.

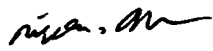
***Allowable Subject Matter***

Claims 5,6 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Neuder whose telephone number is 571-272-7032. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William P Neuder  
Primary Examiner  
Art Unit 3672

W.P.N.